

Leasing and Transfer of Northeast (NE) Multispecies Days-at-Sea (DAS)



The following regulations apply to all vessels with a valid limited access NE multispecies DAS permit. This information sheet is only a summary of applicable fishing regulations and is not a substitute for the actual regulations which can be found at 50 CFR Part 648.

DAS LEASING

Definitions:

Vessels receiving DAS through leasing are called “*lessees*” and vessels transferring to another vessel through leasing DAS are called “*lessors*.”

Conditions and restrictions:

Only Category A DAS may be leased. The lease cannot exceed one fishing year in duration. NE multispecies DAS vessels are allowed to lease as few as 1 DAS to any other NE multispecies DAS vessels. The maximum number of DAS that can be leased by a lessee is the lessee’s vessel’s DAS allocation for the 2001 fishing year (excluding any carryover DAS). The lessee may fish that number of DAS (Category A DAS), in addition to the Category A DAS balance the vessel had prior to acquiring the leased DAS.

For example, if a vessel owner wants to lease DAS for a vessel with a limited access NE multispecies DAS permit, and that vessel had 88 DAS allocated to it in fishing year 2001, the maximum DAS it may lease is 88. If the same vessel has 53 Category A DAS allocated to it in fishing year 2004, that vessel may fish a total of 141 Category A DAS for 2004 (53 A DAS allocated for fishing year 2004 plus up to 88 DAS that are leased).

A lessor may not lease DAS to any vessel with a baseline horsepower rating that is 20 percent greater than that of the horsepower baseline of the lessor vessel. A lessor also may not lease DAS to any vessel with a baseline length-over-all (LOA) that is 10 percent greater than that of the lessor vessel’s LOA.

One vessel may lease DAS to or from multiple vessels. However, no subleasing of NE multispecies DAS is allowed. This means that, once a lease application is approved by NOAA Fisheries, the leased DAS may not be leased a second time, even if the lessee was prevented from fishing the leased DAS due to circumstances beyond his/her control (e.g., a vessel sinking). Vessels are not allowed to lease carry-over DAS. Any leased DAS, that are unused at the end of the fishing year, may not be carried over to the next fishing year by the

lessor or lessee.

Vessels issued a Small Vessel or Handgear A permit (i.e., vessels that do not require the use of NE multispecies DAS), are not allowed to lease DAS. Vessels participating in an approved sector under the Sector Allocation Program are not allowed to lease DAS to non-sector vessels during the fishing year in which the vessel is participating in the sector.

DAS associated with a NE multispecies Conformation of Permit History may not be leased.

Application Procedures:

DAS Lease applications may be obtained by calling 978-281-9278, or by downloading the form from the NE Regional Office's web page at: <http://www.nero.noaa.gov/amend13/>

An eligible vessel intending to lease NE multispecies DAS must submit a complete DAS Lease Application to the Regional Administrator at least 45 days prior to the time that the vessel intends to fish the leased DAS. Upon approval of the application by NOAA Fisheries, the lessor and lessee will be sent written confirmation of the approved application. Leased DAS will be effective only during the fishing year for which they are leased.

An application to lease DAS for a particular fishing year may be submitted until March 1 of that fishing year. A complete application consists of the following:

1. Lessor's owner name, vessel name, permit number and official number or state registration number;
2. Lessee's owner name, vessel name, permit number and official number or state registration number;
3. The number of NE multispecies DAS to be leased;
4. Total price paid for the leased DAS;
5. Signatures of lessor and lessee with the date the form is completed.

Information obtained from the application will be held confidential in accordance with the requirements of the Magnuson-Stevens Act and applicable regulations.

The Regional Administrator may deny an application for any of the following reasons, including, but not limited to: The application is incomplete or submitted past the March 1 deadline; the lessor or lessee has not been issued a valid limited access NE multispecies DAS permit, or is otherwise not eligible; the lessor's or lessee's DAS or NE multispecies permit are under sanction pursuant to an enforcement proceeding; or the lessor has an insufficient number of allocated or unused NE multispecies DAS available to lease. Upon denial of an application, the Regional Administrator will send a letter to the applicant describing the reason(s) for the application's rejection. The decision by the Regional Administrator is the final agency decision. There is no appeal process.

History of DAS Use and Landings:

History of leased DAS usage will be presumed to remain with the lessor vessel, and landings resulting from the use of the leased DAS will be presumed to be attributed to the lessee vessel. In the case of multiple lessors, the leased DAS used will be attributed to the lessors based on the order in which such leases are approved by NOAA Fisheries.

Monkfish Category C and D vessels:

A vessel with both a limited access NE multispecies permit and a limited access monkfish category C or D permit, may have more allocated monkfish DAS than NE multispecies A DAS. A vessel is allowed to fish the difference between its monkfish DAS allocation and NE multispecies DAS allocation as monkfish-only days. Monkfish Category C and D vessels that have remaining monkfish-only DAS, and that have submitted

a NE multispecies DAS Leasing Application that has been approved by NOAA Fisheries, will be required to fish their available “monkfish-only” DAS in conjunction with their leased NE multispecies A DAS, to the extent that the vessel has NE multispecies A DAS available.

If a monkfish Category C or D vessel leases NE multispecies A DAS to another vessel, the vessel is required to forfeit a monkfish DAS for each NE multispecies A DAS that the vessel leases, equal in number to the difference between the number of remaining NE multispecies A DAS and the number of unused monkfish DAS at the time of the lease.

For example, if a lessor vessel that had 40 unused monkfish DAS and 47 allocated NE multispecies A DAS leased 10 of its NE multispecies A DAS, the lessor would forfeit the use of 3 of its monkfish DAS (40 monkfish DAS - 37 NE multispecies A DAS = 3 DAS) because it would have 3 fewer NE multispecies A DAS than monkfish DAS after the lease.

PERMANENT DAS TRANSFER

In addition to leasing, limited access NE multispecies DAS permit holders have option to transfer all of its DAS permanently to other limited access NE Multispecies DAS permit holders, subject to the following restrictions and conditions:

- The length overall (LOA) and gross tonnage (GRT) baseline of the buyer/transferee vessel may not be more than 10 percent greater, and its horsepower may not be more than 20 percent greater than the baseline of the seller/transferor vessel.
- The seller/transferor vessel must retire from all state and Federal commercial fisheries and relinquish permanently all Federal and state fishing permits.
- Category A and B DAS that are transferred are reduced by 40 percent; Category C DAS that are transferred are reduced by 90 percent.
- Vessel permits under Confirmation of Permit History (CPH) may not be transferred.
- Vessels fishing under a sector allocation are prohibited from transferring DAS to a non-sector vessel, during the fishing year in which the vessel is participating in the sector.

Vessel Baseline specifications for LOA, GRT, and Horespower for all NE Multispecies permitted vessels can be located an NOAA Fisheries Northeast Regional Offices webpage at: <http://www.nero.noaa.gov/amend13/>

DAS Transfer applications may be obtained by calling 978-281-9278, or by downloading the form from the NE Regional Office’s web page at <http://www.nero.noaa.gov/amend13/>.

This is a simplified summary of the measures in effect under the NE Multispecies Fishery Management Plan. You should also get a copy of the official rules as published in the Federal Register.